



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR S.B. 1381

disability-selection abortion; prohibited

Purpose

Prohibits specified acts related to disability-selection abortions and increases current penalties related to sex-selection and race-selection abortion.

Background

Statute classifies knowingly doing the following as a class 3 felony: 1) performing an abortion knowing that the abortion is sought based on the sex or race of the child or the race of the parent of the child; 2) using force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selection or race-selection abortion; or 3) soliciting or accepting monies to finance a sex-selection or race-selection abortion ([A.R.S. § 13-3603.02](#)).

A civil action may be brought on behalf of the unborn child by the father of an unborn child who is married to the mother at the time she receives a sex-selection or race-selection abortion. Additionally, if the mother is under 18 years old at the time of the abortion, the maternal grandparents of the unborn child may bring the action ([A.R.S. § 13-3603.02](#)).

A physician, physician's assistant, nurse, counselor or other medical or mental health professional who knowingly does not report known violations of the specified sex-selection or race-selection abortion prohibitions is subject to a civil fine of up to \$10,000 ([A.R.S. § 13-3603.02](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Classifies, as a class 2 felony, knowingly:
 - a) performing an abortion knowing that the abortion is sought based on the disability of the child or the disability of a parent of the child;
 - b) using force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a disability-selection abortion; or
 - c) soliciting or accepting monies to finance a disability-selection abortion.
2. Allows the father of the unborn child who is married to the mother at the time she receives a disability-selection abortion, or the maternal grandparents if applicable, to bring a civil action on behalf of the unborn child.

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3. Increases, from a class 3 felony to a class 2 felony, knowingly:
 - a) performing an abortion knowing that the abortion is sought based on the sex or race of the child or the race of the parent of the child;
 - b) using force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selection or race-selection abortion; and
 - c) soliciting or accepting monies to finance a sex-selection or race-selection abortion.
4. Increases, from \$10,000 to \$20,000, the maximum civil penalty for a physician, physician's assistant, nurse, counselor or other medical or mental health professional who knowingly does not report known violations of sex-selection, race-selection or disability-selection abortion to law enforcement.
5. Provides that a woman on whom a disability-selection abortion is performed is not subject to criminal prosecution or civil liability, as outlined.
6. Makes technical changes.
7. Becomes effective on the general effective date.

Prepared by Senate Research

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JA/gs